

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, October 22, 2001  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:32PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson  
Betty P. Snyder, Supervisor  
Gregory J. Lippincott, Township Manager  
Lynda S. Seimes, Township Secretary  
C. Robert Wynn, Township Engineer  
Francis X. Grabowski, Township Solicitor

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss legal and real estate matters. He also advised that the CVS rezoning hearing originally scheduled for 6:30PM this evening had been postponed at the request of the applicant.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Jack McIlhinny of Broad Street advised that at the October 1, 2001 Planning Commission worksession meeting, Mr. Fox indicated that Public Comment would no longer be heard at worksession meetings. However, a few minutes after Mr. Fox made this statement, a gentleman arrived from out of town and was given permission to speak for 20 minutes. Then, approximately a half hour later, another gentleman arrived and was allotted 1 minute of Public Comment. Mr. McIlhinny wondered why he was not permitted any Public Comment, while these other individuals were, and asked if the Planning Commission has to follow the same Public Comment rules as addressed by the Supervisors on the reverse side of their agenda. Solicitor Grabowski noted that the Municipalities Planning Code allows each board to adopt their own meeting rules and regulations. Mr. McIlhinny argued that the Public Comment Rules on the reverse side of the Supervisor's meeting agendas are called "Hilltown Township Public Comment Rules" and believes they should apply to the Planning Commission or any other board or commission of the Township. Chairperson Bennington advised that the Public Comment rules on the back of the Supervisor's agenda are the rules of the Supervisors, not necessarily any other board or commission. Further, the Board of Supervisors cannot dictate the policy or the guidelines of the Planning Commission. Mr. John Kachline, as chairperson of the Planning Commission, noted that he personally never told anyone that Public Comment would not be addressed at their worksession meetings. Supervisor Bender asked Mr. Kachline if the Planning Commission hears Public Comment from residents at the Planning Commission worksession meetings. Mr. Kachline replied that the Planning Commission does accept Public Comment at their worksession meetings.

2. Mr. Joe Marino of Redwing Road asked if Roberts Rules of Order or Parliamentary Procedure governs the Planning Commission or even the Board of Supervisors. Solicitor Grabowski replied that the Supervisors are not governed by Roberts Rules of Order, and explained that the Supervisors follow Parliamentary Procedures as provided by the Second Class Township Code, the Municipalities Planning Code and by the other laws of the Commonwealth of Pennsylvania. That does not necessarily mean that those Parliamentary Procedures are identically enforced or promulgated by the Planning Commission or any other entity of the Township.

Mr. Marino has seen, at Planning Commission and Open Space Committee meetings in particular, the committees go into Executive Session. Mr. Marino feels this is wrong because these committees should deliberate in public, particularly when interviewing candidates for vacancies on various committees or when discussing open space land purchases, which should all be a matter of public record. Chairperson Bennington explained that the Open Space Committee must discuss specific real estate properties in Executive Session so that builders and developers are not made aware of which properties are under consideration for outright purchase or purchase of development rights by the Township.

A lengthy discussion took place concerning the Sunshine Law and the requirements thereof.

3. Mr. Jack McIlhinny asked if the Planning Commission is required to publish their rules for Public Comment on their agenda. Solicitor Grabowski noted that it is not required, however Mr. Kachline noted that he would like to see the Public Comment rules listed on the Planning Commission agendas as well.

4. Mr. Jeff Maxwell, a Telford Borough Council Member, wished to express his concerns about the intersection at Central Avenue and County Line Road, and how that location will be made worse with the additional traffic generated by Home Depot. Mr. Maxwell understands that the applicant for Home Depot did not propose an entrance to their site from Central Avenue, and wondered why the Township would insist upon that entrance. Mr. Wynn explained that initially the plan proposed a full-service entrance approximately half way between Central Avenue and Bethlehem Pike, which would have created left-turn movements in and out of the site very close to the existing intersection of Bethlehem Pike/Rt. 113. Those movements, however, were conflicting with the left turn lanes and the back up of traffic at Rt. 113/Bethlehem Pike. For that reason, the plan was modified because of the need for another traffic signal at that location, which would have been extremely close to the existing Bethlehem Pike/Rt. 113 traffic signal. The plan was then modified to bring the traffic to their access approximately 400-500 ft. down Central Avenue with a traffic signal at Central Avenue, thereby limiting their other site access to

a right in, right out, and left turn in only, with no left turn movements out of the site onto Bethlehem Pike.

5. Mr. Joe Marino asked if the procedure involved with regard to the tape recordings of Supervisor's meetings once minutes are approved. Mr. Lippincott explained that the tape recordings are used by the Township Secretary to transcribe the written minutes, and after those written minutes are approved by the Supervisors at a public meeting, the tapes are destroyed.

B. APPROVAL OF MINUTES – Action on the minutes of the October 8, 2001 Worksession Meeting – Supervisor Snyder noted the following correction to the first sentence on page 13, which should read “The reason there are two positions available at the same time is due to Ms. Parks’ resignation after serving one year of a six-year term.”

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the October 8, 2001 Worksession meeting, as corrected. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairperson Bennington presented the Bills List dated October 23, 2001, with General Fund payments in the amount of \$58,379.00, State Highway Aid payments in the amount of \$12,337.66, and Escrow Fund payments in the amount of \$5,120.39; for a grand total of all payments in the amount of \$75,837.05.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated October 23, 2001. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. MANAGER’S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. A resident of Hilltown Township, Mr. Philip Gray, is being honored on November 11, 2001 with an Eagle Scout Award. The Supervisors prepared a Commendation for Mr. Gray, saluting him for his exemplary and meritorious service to the Boy Scouts of America Organization and to his community.

2. Mr. Lippincott explained that Congressman Greenwood visited Hilltown Township today. The Supervisors in attendance and the staff discussed Transportation Grants with regard to the bridges on Rt. 152 and Callowhill Road, funding for open space, park and recreational facilities, cell phone legislation, and police grants with Congressman Greenwood.

3. There are four escrows for the Board's consideration this evening, one of which is cash held by the Township:

A&T Subaru	Voucher #05	\$ 732.91
Hilltown Hunt	Voucher #3A	\$ 326.44
Pleasant View Subdivision	Voucher #05	\$ 79,220.93
Pleasant View Subdivision	Voucher #06	\$ 19,470.43

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to release the four escrows as noted above. There was no public comment.

F. CORRESPONDENCE – None.

G. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski presented a Friendly Condemnation Resolution for the purchase of the Levitties property, which is the next potential acquisition of open space property by the Township. One of the provisions in the Agreement of Sale provides that the Levitties family has agreed to allow the Township to adopt a Resolution to condemn the property. By the enactment of a Resolution, the Township can then accept the deed at settlement, without being required to pay the realty transfer tax, which is 2%. The purchase price of this property is \$640,000.00.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2001-26, the Friendly Condemnation Resolution for the Levitties property to eliminate payment of Realty Transfer Tax for this property.** There was no public comment.

H. PLANNING – Mr. C. Robert Wynn, Township Engineer –

1. Mr. Frank Rice – Pineside Drive Request – Mr. Rice was present requesting that the Township accept ownership and maintenance responsibilities for Pineside Drive, located off Dublin Road. He attended last week's Planning Commission meeting requesting waivers to permit use of the existing stone base beneath Pineside Drive, paving as existing, widening of the roadway to 20 ft., and allowing a cul-de-sac length of approximately 1,000 ft.

Since their last request to the Supervisors in September of 1999, the residents of Pineside Drive contracted with a private engineer to conduct test bores of the stone base beneath the roadway. Three tests were conducted with the total sub-base for site #1 at 9 7/8" in depth, site #2 at 10 3/4" in depth, and site #3 at 12 3/8" in depth, which Mr. Rice feels is more than adequate. Mr. Rice noted that the road was paved in 1992 and has never broken up or experienced any potholes.

Discussion took place concerning the width of the roadway and the size of the lots - ten acre lots on one side and five acre lots on the opposite side.

The Planning Commission approved the following motions with regard to Mr. Rice's request:

- By unanimous vote, the Planning Commission recommends that the Board of Supervisors not accept the roadway unless the road is brought up to all Township standards based upon review by the Township Engineer, and at the applicant's expense. This includes widening of the road to 26 ft.
- (By a 6-1 vote, with Mr. Miller opposed), the Planning Commission recommended that, in the event the roadway is constructed to Township standards, the cul-de-sac street length be permitted to exceed 500 ft. (providing that a properly dimensioned turnaround is constructed at the end of the street).

Chairperson Bennington reminded Mr. Rice that the Township has never accepted dedication of a private road, and he personally would not be inclined to do so now. Chairperson Bennington feels that the Township should not be required to take maintenance responsibility for a private road, and in this particular case, there is always the possibility of further subdivision of those existing ten acre lots.

Supervisor Bender asked if Mr. Wynn has verified the test bores of the roadway. Mr. Wynn explained that part of the recommendation by the Planning Commission was that if the Supervisors accept this proposal, verification would take place, and that the roadway should be improved to meet Township standards, which includes widening to 26 ft. and a full overlay of the entire road. Mr. Wynn noted that the stone base exceeds the minimum requirements that the Township has for new roads, however the asphalt does not, but with a 1" overlay, it would. Supervisor Bender asked Mr. Rice why the roadway could not be widened to 26 ft. Mr. Rice replied that there are electric lines that would be affected by a 26 ft. width on one side of the street. Supervisor Snyder asked why easements couldn't be acquired from the affected properties on the opposite side of the road in order to obtain the requested full 26 ft. width. Mr. Rice feels it would be impractical, since the property on that side of the road is all wooded and would be difficult for road construction. If the test bores were verified and if the road was brought up to Township standards, Supervisor Bender would be inclined to agree with accepting dedication of the road.

In order to obtain Liquid Fuels funding, Mr. Wynn explained that the road must be a minimum width of 18 ft., and a paved roadway with a cul-de-sac turnaround at the end.

Motion was made by Supervisor Bender to further pursue acceptance of the dedication of Pineside Drive by the Township. There was no second to the motion.

Since there was no second to the motion, Chairperson Bennington advised that the Township would not be pursuing the matter and would not accept Pineside Drive as a dedicated Township road.

**\*8:05PM – PUBLIC HEARING** – Chairperson Bennington adjourned the regular meeting of October 22, 2001 at 8:05PM in order to enter into an advertised Public Hearing to consider the adoption of an Ordinance reducing the speed of motor vehicles on Keystone Drive, Skunkhollow Road, and Stump Road.

Solicitor Grabowski explained that this proposed Ordinance was based upon a traffic study and investigation accomplished by the Hilltown Police Department. Based upon their recommendations, the Ordinance was drafted and properly advertised in the Doylestown Intelligencer for consideration for possible adoption this evening.

Public Comment:

1. Mr. Harry Mason of Morgan Lane felt that the language in Section 2 is not clear that driving in excess of 35 m.p.h. on all portions of the roadways is prohibited.

2. Mr. Jack McIlhinny does not believe that Keystone Drive warrants a lowered speed limit. Solicitor Grabowski noted that Keystone Drive was determined by the Police Department that a safe speed of 35 m.p.h. should occur.

Motion was made by Supervisor Snyder, seconded by Supervisor Bender, and carried unanimously to **adopt Ordinance #2001-2, reducing the speed of motor vehicles on Keystone Drive to 35 m.p.h. for its entire length within the township borders, to reduce the speed of motor vehicles on Skunkhollow Road to 35 m.p.h. for its entire length from Callowhill Road to its terminus at Rt. 152; and to reduce the speed of motor vehicles on Stump Road to 30 m.p.h. from the Callowhill Road intersection, west to the terminus with Rt. 152.** There was no public comment.

\*Chairperson Bennington adjourned the advertised Public Hearing and reconvened the regularly scheduled October 22, 2001 Board of Supervisors meeting at 8:10PM.

2. Home Depot – The Planning Commission unanimously recommended preliminary plan approval of the Home Depot Land Development subject to completion of all outstanding requirements as noted within the September 7, 2001 engineering review, PennDot approval of the intersection/road improvements, granting of a floodplain easement to the Township over the 100-year flood elevation within the center of the site, and the granting of waivers as requested within the September 21, 2001 Benner and Wild correspondence.

William Benner, the applicant's legal counsel, along with David Grasso and Jack Schneider of Metro Development, and Richard Furnacola, the project architect, and Richard Stoneback, the applicant's consulting engineer, were in attendance to present the plan.

With respect to the waivers contained on the September 21, 2001 correspondence, the Planning Commission recommended approval of all waivers requested by the applicant, with the following modifications:

- Waivers are approved from requirements for improvements to Central Avenue west of the site entrance, including cartway widening, curb, and sidewalk. However, pursuant to Section 505.16, a leveling/overlay of Central Avenue must be accomplished along the entire site frontage.

Mr. Benner noted that the leveling/overlay of Central Avenue would not entail rebuilding or re-grading of the road. The proposed overlay will be consistent with the Township's specifications. The waiver relates only to that portion of Central Avenue that lies west of the proposed ingress/egress drive. Mr. Wynn explained that curbing is not proposed because the drainage from the cartway on Central Avenue sheet flows into the wooded/wetland area in the center of the site.

- A waiver from sidewalk is approved for Central Avenue and Rt. 113. The request for waiver of sidewalk along Bethlehem Pike is denied and the plan must be revised to provide for installation of sidewalk.
- A waiver of Section 523.7.D. relative to parking within 20 ft. of the northeast building wall of the existing drugstore is approved subject to written verification of approval from the Fire Company.

Mr. Benner noted that the responding fire company has verbally endorsed this waiver, however a written confirmation has not yet been received.

Mr. Benner advised that the pending plan shows cut and fill slope at a 3:1 ratio rather than the 4:1 ratio established by the cited Section 516.2 of the Subdivision/Land Development Ordinance. The applicant intends to submit a certification as permitted by the Ordinance, which would eliminate the necessity of a waiver request.

The Planning Commission had requested and the applicant agreed to come into compliance with the Bucks County Planning Commission recommendation concerning the reservation of access easements along the stream corridor. The exact limits of that easement will be determined at final plan approval. The applicant has agreed to comply with all other conditions of Mr. Wynn's engineering review of September 7, 2001.

Substantial improvements are proposed to the Rt. 113/Bethlehem Pike intersection. Mr. Benner advised that at the Planning Commission meeting, there was considerable discussion concerning this intersection, with regard to a review comment by the Township's Traffic Engineer. If Hilltown Township acquires the additional right-of-way on the Frederick's Flowers parcel at this intersection, Mr. Benner noted that the applicant would complete these improvements as a part of this project. Further, it was his understanding that some of the easement might come from the former Sernoff Seafood property on the opposite side of the street, since there had been development plans proposed at one time for that site. Chairperson Bennington asked why the applicant does not acquire the easement. Mr. Benner explained that he was not aware that it was ever the developer's obligation to do so, and it has been the applicant's position all along, that if the Township obtains the easement, either by condemnation, gift, or by purchase, the applicant would accomplish this additional intersection improvement. The developer is willing to establish an escrow for construction improvements at this intersection, but is not willing to establish an escrow for easement acquisition. Chairperson Bennington feels that the cost of any easement acquisition should be split evenly between the Township and the developer. Mr. Benner advised that this was not the position that the Township staff originally discussed with the developer, and is certainly beyond the scope of the expanded highway improvements they have agreed to commit to. A lengthy discussion took place. The Supervisors directed Mr. Lippincott to contact the owner of Frederick's Flowers immediately to determine their interest in granting an easement for the proposed improvements as discussed above.

The Supervisors spoke at length with Mr. Jeff Maxwell, Telford Borough Council member, regarding the Traffic Impact Study that was conducted by the applicant, and the additional traffic in surrounding communities as a result of the Home Depot development. It was suggested that a speed study be conducted on Central Avenue to determine a safe speed for that roadway.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road believes that sidewalks should be proposed along Central Avenue, or possibly a gravel walkway between the Home Depot site and the existing stores in that shopping center.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to approve the waivers as recommended by the Planning Commission for the Home Depot site. There was no public comment.

Chairperson Bennington is aware that Warrington received a park and recreation donation from Home Depot when it was constructed in their municipality, and asked the applicant to consider a voluntary monetary donation in the amount of \$1.00 per square



foot of development to the Hilltown Township Park and Recreation Board fund, which would be used to develop the future park on Forest Road.

\*Chairperson Bennington called for a five-minute recess at 8:50PM. The regularly scheduled meeting of the Hilltown Township Board of Supervisors of October 22, 2001 was reconvened at 8:55PM.

During the recess, Mr. Furnacola attempted to contact the project manager of the Home Depot in Warrington, but was unable to do so. Therefore, the applicant has no frame of reference concerning what agreements, if any, were made concerning a voluntary donation to the Park and Recreation Board fund. Mr. Benner suggested that the Supervisors reserve this issue for further discussion at final plan approval, at which time the applicant will know the nature and extent of highway improvements and recreational needs. The applicant would agree to address both of these issues in good faith. A lengthy discussion took place. The applicant advised that their contribution to the Park and Recreation Fund would be no less than \$50,000.00, but was not prepared to agree to any higher dollar amount without speaking to other representatives of Home Depot and Metro Development.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant conditional preliminary plan approval to the Home Depot Land Development, pending completion of all outstanding items as specified in the September 7, 2001 C. Robert Wynn engineering review, in addition to the voluntary contribution to the Park and Recreation Board at a minimum of \$50,000.00 to a maximum of \$1.00 per square ft. (180,000 sq. ft.), and the possible establishment of an escrow by the developer for the acquisition of an easement from the property owner located at the corner of Rt. 113 and Bethlehem Pike. There was no public comment.

3. Village at Dorchester -- The preliminary plan for a proposed retirement village located at Keystone Drive and Orchard Road was unanimously recommended for denial due to non-compliance with Section 535.8. of the Zoning Ordinance, which provides that detention basin areas may not be included in the minimum required open space area, and no further extension in the review period being granted by the applicant.

Mr. Wynn noted that a written extension was received from the applicant granting an extension until November 30, 2001, and a request for authorization to meet with the staff and the chairperson of the Planning Commission to discuss their attempt to bring the plan into compliance with the open space area requirements, to the extent that the basins would not be counted as part of the open space. It is Mr. Wynn's understanding that the applicant is attempting to acquire additional property, reduce the number of units, and subtracting out the basin areas from the open space. This plan was tabled.

4. Car Sense – The preliminary land development plan was unanimously recommended for approval subject to completion of all outstanding items as contained within the October 4, 2001 engineering review and resolution of the ownership of the access roadway.

Mr. Robert Shaffer, representing the applicant, was in attendance to present the plan, along with Mr. Bob Dixon, the applicant's engineer.

Mr. Wynn's review notes that access to the site is proposed via extension of the "common drive/service road," which exists along the frontage of TMP #15-22-66 – lands of Peruzzi. The access driveway is located within an area designated as Township legal right-of-way. Previously, the Township received various documentation submitted by the applicant's engineer indicating that the common drive/service road apparently was conveyed to Hilltown Township at the time of construction of the Rt. 309 bypass. Correspondence dated September 7, 2001 from PennDot states that they are the legal owner of the property designated as legal right-of-way on the plan. Additionally, that correspondence states that PennDot has no objection of the placement of a sign by the applicant within the legal right-of-way as shown on the signed permit application filed by the applicant. Since the Township has been receiving inconsistent information regarding ownership of the access drive, Mr. Wynn feels the applicant should submit sufficient documentation verifying the condemnation, ownership, and/or relinquishment of right to the area in question, for review by the Township Solicitor. Mr. Shaffer had explained the history of the right-of-way area in question to the Planning Commission at their last meeting. He indicated that PennDot condemned the 36,000 sq. ft. area approximately 55 years ago and took an easement, which means that they do not own the underlying fee simple ownership of that parcel. The applicant has also ascertained that as a result of a succession of deed transfers, the underlying parcel in question is owned by the Peruzzi family. The legal aspects of the 55 ft. strip are quite clear, in Mr. Shaffer's opinion, in that the State Highway Act requires the Township to maintain it, and in essence the strip becomes a Township road. It appears that Mr. Peruzzi has a curb cut along this 55 ft. strip, though not the main entrance to Peruzzi Toyota, however it is an entrance that is in use at present. The applicant is asking that the Township Solicitor render an opinion that the Township does, in fact, have the authority to grant permits for the applicant to utilize that accessway. Chairperson Bennington does not believe it is the responsibility of the Township to determine ownership rather it is the responsibility of the applicant to prove ownership. Mr. Shaffer noted that the Township is collecting Liquid Fuels Funding on that road, though he knows that it is not actually owned by the Township. Further, the State Highway Act requires the Township to maintain that road. Solicitor Grabowski did receive the information package concerning this road, however the photocopy quality is such that he cannot read or decipher the information. The applicant had suggested that the Township staff and Solicitor review this matter, and Solicitor Grabowski believes that meeting should take place, since there is a gap of credible information between the

condemnation and the present. There is a statute that requires that local service roads be maintained by the local municipalities, however Solicitor Grabowski believes that the applicant must provide proof that this road is indeed a local service road, that it was properly condemned, and that it was properly turned over and in what fashion, to Hilltown Township. The information Mr. Shaffer can provide includes a copy of the original declaration of taking as filed by PennDot, the Notice of Condemnation as filed by PennDot, the various deeds, and the entire history of the property. Regardless of who owns the fee-simple ownership of this road, Mr. Shaffer stated that nothing could take away the condemnation of the easement as granted by PennDot. Therefore, whoever owns the land beneath the road itself, and admittedly, it is the Peruzzi family at this time, Mr. Shaffer feels that it is still subject to the easement. In fact, the deed where the Peruzzi family acquired title to that 55 ft. wide strip, is subject specifically to the PennDot easement. Solicitor Grabowski commented that the question is whether or not that PennDot easement actually was an effective transfer to Hilltown Township. To Mr. Shaffer's knowledge, there is no legal document that effectively transferred the maintenance of that 55 ft. wide strip to the Township, but feels that the State Highway Act does that automatically. Solicitor Grabowski believes that an opinion or a commitment from a recognized title insurance company addressing the issue of ownership and maintenance should be required, as well as an opinion letter from the applicant's attorney as to same. Discussion took place. The applicant agreed to provide the information as requested. Solicitor Grabowski asked if the applicant would be agreeable to inviting representatives of the Peruzzi family to the meeting with the staff and himself, and Mr. Shaffer replied that they would.

With respect to the October 4, 2001 engineering review, the Planning Commission made the following additional recommendations:

- A waiver was recommended by majority vote (4:3) from Section 516.6.b(3) to permit high density polyethylene pipe in-lieu of Class III reinforced concrete pipe for storm drainage on-site (Item 4.B of the engineering review).
- By unanimous vote, the applicant's request for waiver of street improvements along Spur Road frontage of the site was approved subject to the applicant improving the access road (assuming it is owned by the Township) with curb, cartway overlay, and other requirements as determined by the Township.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to grant the waivers as noted above, and to grant conditional preliminary plan approval to the Car Sense Land Development, pending completion of all outstanding items as noted in Mr. Wynn's October 4, 2001 engineering review, and pending a

satisfactory resolution of the issue of the ownership and maintenance of the service road, as discussed above. There was no public comment.

5. Longacre Tract (Telvil) – The Planning Commission unanimously recommended denial of the Longacre Tract Subdivision due to non-compliance with requirements of the Township Act 537 Plan and Zoning Ordinance, relative to extension of public sewer within the Rural Residential Zoning District, and lack of time extension from the applicant for plan review. In the event the Board of Supervisors denies the plan, Mr. Wynn recommends that other Zoning Ordinance and Subdivision Regulations requirements as contained within the September 11, 2001 engineering review be included as conditions of denial.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to deny the Longacre Tract Subdivision due to non-compliance with requirements of the Township Act 537 Plan and Zoning Ordinance, relative to extension of public sewer within the Rural Residential Zoning District, and lack of time extension from the applicant for plan review, as well as Zoning and Subdivision Regulation requirements as contained within the September 11, 2001 engineering review. There was no public comment.

6. Planning Modules – Orchard Hill and Summer Lea Subdivisions – Mr. Wynn explained that Planning Modules were received, however they are incomplete for review by the Supervisors, since neither contains the Bucks County Health Department review. Also, the Summer Lea Module does not contain the Bucks County Planning Commission review, and the Orchard Hill Module only contains the front page of the Bucks County Planning Commission review. The Supervisors agreed to table these Planning Modules due to incomplete submission.

7. Planning Modules – Hilltown Chase – Mr. Wynn noted these Planning Modules are to provide public sewer facilities for the Hilltown Chase Subdivision located on Telegraph Road. The Township Planning Commission did not review these Planning Modules, and noted, via correspondence dated February 21, 2001, that they would not take formal action of the modules since they are opposed to the project. The comments generated by the Bucks County Planning Commission and Health Department was addressed by the Hilltown Water and Sewer Authority via correspondence from Mr. Groff. The Stipulation Agreement requires the Township to amend the Act 537 Plan for public sewer facilities for this site.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to **adopt Resolution #2001-27, for the Hilltown Chase Planning Modules**. There was no public comment.

I. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Hilltown Hunt Subdivision- The developer for the subdivision located on the north side of W. Creamery Road opposite the Township building has replaced trees and made minor road repairs during the maintenance period. Since all miscellaneous items have been completed by the developer, Mr. Wynn recommends acceptance of the maintenance period and return of the financial security less any outstanding Township administrative, engineering, or legal costs.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize acceptance of the completion of the 18-month maintenance period and retainage of financial security less any outstanding Township administrative, engineering, or legal costs that may be outstanding for the Hilltown Hunt Subdivision. There was no public comment.

2. Keystone Estates Subdivision – The developer has requested acceptance of improvements within this subdivision located on Keystone Drive. A final inspection was made by Mr. Wynn's office late last week. The roadway has been paved for some time, however there are some ongoing legal problems between the developer who lives within Keystone Estates and an adjacent property owner who lives in the subdivision. At this point, the lawn on the site, which was completely re-done by the property owner after the developer was working there, is stabilized. The swales do require a bit more work, however. Mr. Wynn recommends accepting completion, while withholding an extra \$5,000.00 in cash to guarantee that those swales are completed in the spring.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to accept completion of improvements for Keystone Estates, to begin the 18-month maintenance period subject to retaining an additional \$5,000.00 to guarantee that the swales are corrected in the spring of 2002. There was no public comment.

3. Hartzel-Strassburger Homestead – CDBG Funding - Correspondence was received from the Hilltown Historical Society, advising that the bids to replace the cedar shingle roof for the main building of the Hartzel Strassburger Homestead were less than half of the two quotes received a year ago. Therefore, the Historical Society is seeking authorization to utilize the remaining funds to replace the slate roof on their library building. The slate roof was constructed in 1835, and has been repaired with tar. The copper flashings are badly corroded as well. The gutters and downspouts on the main building had been copper, but the project was bid with aluminum replacements because the Historical Society did not believe there were sufficient funds from the grant to replace the spouts and gutters with copper. The Historical Society provided a quote from Weaver and Sons for replacing the slate roof on the library, as well as the use of copper, not aluminum for the gutters and the down spouts on the main building. The cost for the

revision from aluminum gutters to copper gutters is \$1,786.00 and the cost for installation of tongue and groove decking on the front porch and some slate roof repairs on another building is \$19,000.00. Mr. Wynn advised that this site has an approved CDBG funding in the amount of approximately \$51,000.00, which must be utilized at this site or returned to Community Development. The original roof structures that were bid was \$20,480.00, with an addendum for aluminum gutters and downspouts in the amount of \$3,580.00, and the present request for copper gutters is in the amount of \$1,786.00, which would be a change order to the contract that had been awarded to Weaver and Sons, and also would be subject to approval by the County. The Historical Society is requesting authorization of preparation of a contract and an advertisement for the additional work as outlined above. A lengthy discussion took place.

Public Comment:

1. Mr. Jack McIlhinny thought that the first change order approved by the Board was in the amount of \$3750.00, which he felt at the time was an outrageous amount of money for such a small length of aluminum gutter and downspout. Mr. Wynn confirmed that the actual amount of the first change order was indeed \$3,580.00 as stated, and reminded Mr. McIlhinny that this CDBG project is required at prevailing wage, which does have an impact on the amount. Mr. McIlhinny felt that the Board should give careful consideration to expending these additional grant funds, even with the threat of losing that money because it cannot be used on another project in the Township.

Motion was made by Supervisor Bender, seconded by Supervisor Snyder, and carried unanimously to authorize the advertisement of slate roof repair and the solicitation of two telephone bid proposals for copper gutters and downspouts for the Hartzel Strassburger Home Community Development Block Grant funding proposal. There was no public comment.

Discussion took place as to what will happen if the bid prices that are received are lower than those proposed by Weaver and Son. Mr. Wynn advised that Weaver and Son's bid has already been approved and is in place with the County, and if the Township awards this change order to a new vendor, we will have to go through the entire bidding process.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road asked how requirements of the Zoning Ordinance are established. Chairperson Bennington explained that the Comprehensive Plan was updated in 1991, then once it was complete, the Zoning Ordinance was reviewed by the Planning Commission, the Board of Supervisors, and the Zoning Hearing

Board for updates. At present, the Comprehensive Plan Task Force is reviewing the Comprehensive Plan, which will hopefully be complete sometime over the next year, and then hopefully the Zoning Ordinance, which was last updated in 1995, will then be reviewed and updated. Mr. Wynn commented that much of the present Zoning Ordinance has been in effect since 1977. Mrs. Teed asked how revisions are made to the Zoning Ordinance before a complete overhaul is done. Chairperson Bennington explained that if an important issue is raised by either the Planning Commission, the Zoning Hearing Board, or the Board of Supervisors, it is considered and reviewed by the various boards and commissions, as well as the Bucks County Planning Commission, and then a Public Hearing is advertised and held for possible adoption as a revision to the Zoning Ordinance.

L. SUPERVISOR'S COMMENTS:


1. Supervisor Bender commented that at the last meeting, Hilltown Township accepted the award given to the Pennridge Area Coordinating Committee from Bucks County. He wished to make it clear that even though all three Supervisors were in the newspaper photograph accepting that award, it is actually Chairperson Bennington who represents the Township at the P.A.C.C. and who has done a great deal of work with that organization.

2. Supervisor Snyder encouraged all Hilltown Township residents to vote for the candidate of their choice in the election on Tuesday, November 6, 2001; particularly at this time of national tragedy.

3. Chairperson Bennington advised that Candidates Night sponsored by the Hilltown Civic Association will be held tomorrow evening, Tuesday, October 23, 2001 at 7:30PM and encouraged residents to attend to meet all local and county-office candidates.

M. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

O. ADJOURNMENT: Upon motion by Supervisor, seconded by Supervisor, and carried unanimously, the October 22, 2001 Board of Supervisors meeting was adjourned at 10:00PM.

Respectfully submitted,  
  
Lynda Seimes  
Township Secretary